

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BACKPAGE.COM, LLC,

Plaintiff,

and

THE INTERNET ARCHIVE,

Plaintiff-Intervenor,

V.

ROB MCKENNA, Attorney General of the
State of Washington, *et al.*

Defendants, in their
official capacities.

No. 2:12-cv-000954-RSM

**STIPULATION BETWEEN
PLAINTIFFS AND
DEFENDANT RUSSELL D.
HAUGE ACCEPTING
[PROPOSED] ORDER FOR
ENTRY OF FINAL
JUDGMENT ENJOINING
ENFORCEMENT OF RCW
4.68A.104 (WASHINGTON
SENATE BILL 6251)**

STIPULATION

Plaintiffs Backpage.com, LLC and The Internet Archive, together with Defendant Russell D. Hauge, Prosecuting Attorney of Kitsap County (“Hauge”), by and through their counsel of record, hereby stipulate and agree as follows:

1. Plaintiffs and Hauge agree and request that the Court enter final judgment in this matter, permanently enjoining any enforcement or prosecution of any person under RCW 4.68A.104 (the codified version of Washington Engrossed Substitute Senate Bill 6251, Chapter 138, Washington Laws of 2012) and declaring that the statute is

1 unconstitutional and violates federal law, in accordance with paragraphs 2 and 3 of the
 2 Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW 4.68A.104
 3 (Washington Senate Bill 6251) pursuant to the Stipulation entered into concurrently
 4 between Plaintiffs and all other Defendants in this action (the “Stipulated Order”).

5 2. Hauge does not object to the judgment assessing an award of costs and
 6 attorneys’ fees against the Office of the Attorney General, as set forth in paragraph 4 of the
 7 Stipulated Order. Plaintiffs agree that Hauge shall not be responsible for any additional
 8 costs or attorneys’ fees.

9 3. With this Stipulation, the undersigned parties hereby settle all claims and
 10 potential claims between them related to this litigation, and no party will appeal or
 11 otherwise challenge an order of the Court or entry of final judgment in this matter as set
 12 forth in the Stipulated Order.

13 4. The undersigned parties further agree that, by this Stipulation, Plaintiffs’
 14 Motion for Clarification or Reconsideration of Order Granting Defendant Hauge’s Motions
 15 to Dismiss (Dkt. #74), the Court’s Order Granting Defendant Hauge’s Motions to Dismiss
 16 (Dkt. #72), and the Court’s Order Directing Response to Motion for Clarification or
 17 Reconsideration (Dkt. #77) are mooted, should be withdrawn, and require no further action
 18 by the Court.

19 **ORDER**

20 Based on the foregoing Stipulation and the Court’s prior orders, findings and
 21 conclusions in this action, it is hereby ORDERED, ADJUDGED and DECREED that:

22 1. All claims between Plaintiffs and Defendant Russell D. Hauge, Kitsap
 23 County Prosecuting Attorney, are and shall be resolved in accordance with paragraphs 2
 24 and 3 of the Proposed Order for Entry of Final Judgment Enjoining Enforcement of RCW
 25 4.68A.104 (Washington Senate Bill 6251) pursuant to the Stipulation entered into
 26 concurrently between Plaintiffs and all other Defendants in this action (the “Stipulated
 27 Order”).

2. Plaintiffs' Motion for Clarification or Reconsideration of Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #74), the Court's Order Granting Defendant Hauge's Motions to Dismiss (Dkt. #72), and the Court's Order Directing Response to Motion for Clarification or Reconsideration (Dkt. #77) are moot and are hereby withdrawn, and Plaintiffs and Defendant Hauge need not respond further.

3. The Court has awarded Plaintiffs costs and attorneys' fees in the Stipulated Order, and Defendant Hauge shall not be responsible for any additional costs or attorneys' fees. The undersigned parties respectively shall bear any other costs and fees incurred in connection with this action.

SO ORDERED this _____ day of December, 2012.

RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented and agreed to by:

DAVIS WRIGHT TREMAINE LLP

s/ James C. Grant
James C. Grant, WSBA No. 14358
Ambika K. Doran, WSBA No. 38237

s/ Elizabeth L. McDougall
Elizabeth L. McDougall, WSBA No. 27026
General Counsel, Village Voice Media Holdings, LLC

Attorneys for Plaintiff Backpage.com, LLC

ELECTRONIC FRONTIER FOUNDATION

s/ Matthew Zimmerman
Matthew Zimmerman (admitted *pro hac vice*)

1 FOCAL PLLC

2 s/ Venkat Balasubramani
3 Venkat Balasubramani, WSBA No. 28269

4 Attorneys for Plaintiff-Intervenor The Internet Archive

5 RUSSELL D. HAUGE, Kitsap County Prosecuting Attorney

6 s/ Ione S. George
7 Ione S. George, WSBA No. 18236
8 Chief Deputy Prosecuting Attorney

9 Attorney for Defendant Russell D. Hauge
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